many states and, in any event, simply have not been employed. Pet. 14-18.[7] The Solicitor General's only answer is that the "federal government should not be required to surrender its independent judgment about the proper extent of a defendant's federal punishment, and reduce the length of federal imprisonment, in order to abide by the terms of a plea agreement that petitioner made with the State and that the state court accepted." BIO 15. But that answer is entirely question-begging, for it assumes that Congress did not already provide in Section 3584(a) that federal courts and the BOP are to respect the sentencing decisions of a subsequent court. If Congress has so decided, the Solicitor General's disagreement with that policy choice is no reason to condone the BOP's persistent disregard for Congress's legitimate exercise of its legislative powers. At the same time, the possibility that the Solicitor General might be right about what Congress intended, and that courts of appeals that disagree with him may be wrong, is no reason for this Court to abstain from its traditional role in resolving circuit conflicts.

CONCLUSION

For the foregoing reasons, as well as those set forth in the petition for certiorari, certiorari should be granted.

Respectfully submitted,

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[7] The government yet again fails to offer any suggested manipulations for a second *federal* sentencing court desiring to reclaim its authority to award a concurrent sentence in the circuits giving that power to the first federal sentencing court.

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